

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-15 are currently pending. Claims 1, 3, 5, and 8-15 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

The amended claims are supported by the originally filed specification at least at page 8, lines 13-17; page 18, lines 10-21; page 19, lines 7-11; and Figure 11A.

In the outstanding Office Action, Claims 10-15 were objected to under 35 U.S.C. § 112, second paragraph, as being repetitive and indefinite; Claims 1-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,745,944 to Dell (hereinafter “the ‘944 patent”); Claims 10-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,898,706 to Venkatesan et al. (hereinafter “the ‘706 patent”); and Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘706 patent in view of the ‘944 patent.

Applicants respectfully traverse the rejection of Claims 10-15 under 35 U.S.C. § 112, second paragraph. Applicants note that the Office Action asserts the phrasing of those claims appear to be a poor translation because they are repetitive and indefinite. However, it is respectfully noted that MPEP § 2173.02 states that “[t]he examiner’s focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available.” For example, with regard to Claim 12, it is respectfully submitted that one of ordinary skill in the art at the time the invention was made would understand that the first identifier is stored in the identifier area; the second identifier is obtained by at least one operation in which (1) a

first identifier written in an identifier area is encrypted, (2) a first electronic watermark is embedded in the first identifier, and (3) the first electronic watermark in the first identifier is embedded and is encrypted; and that the second identifier is stored in the data area.¹ It is respectfully submitted that one of ordinary skill in the art would understand the steps of the writing method recited in Claim 12. Accordingly, Applicants respectfully traverse the rejection of Claims 10-15 under 35 U.S.C. § 112, second paragraph.

Amended Claim 1 is directed to a storage device comprising: (1) a storage medium having a data area configured to write content data thereto and an identifier area configured to write an identifier thereto, the identifier being unchangeable; and (2) a storage medium support frame configured to hold the storage medium and provided with visible information that is unchangeable and corresponds to the identifier, the visible information being visible from the outside and selected from the group consisting of a character, symbol, pattern, color, and combination of a character, symbol, pattern, and color. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the '944 patent is directed to a system and method for identifying applications loaded in a smart card. In particular, the '944 patent discloses a smart card that is capable of storing application programs and displaying symbols or logos of the stored application programs to allow a user to view which applications are currently available in the smart card.²

However, it is respectfully submitted that the '944 patent fails to disclose a storage medium having a data area configured to write content data thereto and an identifier area configured to write an identifier thereto, the identifier being unchangeable; and a storage medium support frame configured to hold the storage medium and provided with visible

¹ For a non-limiting example, see page 19, lines 7-11 of Applicants' specification, which discloses that the identifier area is made of a mask ROM and the data area is made of an EEPROM.

² See '944 patent, Abstract.

information that is unchangeable and corresponds to the identifier, the visible information being visible from the outside and selected from the group consisting of a character, symbol, pattern, color, and combination of a character, symbol, pattern, and color. For a non-limiting example, the identifier information of the present invention may be a mask ROM, and the visible information may be pictorial patterns of a “Star” or “Moon.”³ Rather, the ‘944 patent discloses a method for loading and removing application programs, and displaying associated symbols on a display 12 of the smart card 10.⁴ Further, the ‘944 patent discloses that the display 12 always reflects all currently loaded applications. The ‘944 patent also discloses that, as can be appreciated, a user has the benefit of being able to see what applications are currently available at all time, even if the user holds multiple multi-application cards.⁵ The ‘944 patent does not disclose a storage medium having an identifier area configured to write an identifier thereto, the identifier being unchangeable; and a storage medium support frame provided with visible information that is unchangeable and corresponds to the identifier.

Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over the ‘944 patent.

Claim 4 is directed to a writing apparatus comprising: (1) a storage unit configured to store an identifier, a software file name, a title of the software, and a visible information file that are related to one another; (2) a display controller configured to read the visible information file and the title from the storage unit and output a display signal to display visible information and the title; (3) a display configured to receive the display signal from the display controller and display the visible information and the title; (4) a slot configured to receive a storage device therein; (6) an identifier reader configured to read an identifier stored in the storage device inserted in the slot; (7) an identifier-corresponding-software searcher

³ See, e.g., page 19, lines 7-10; and page 8, lines 13-17 of Applicants’ specification.

⁴ See ‘944 patent, column 3, lines 27-29.

⁵ Id. at column 4, lines 15-23.

configured to determine if software corresponding to the identifier read by the identifier reader is stored in the storage unit; and (8) a writer configured to write the software corresponding to the identifier to the storage device, when the software corresponding to the identifier is present.

Regarding the rejection of Claim 4, as discussed above, the '944 patent is directed to a system and method for identifying applications loaded in a smart card. The outstanding Office Action cites column 2, lines 18-25 for teaching all the limitations of Claim 4. In particular, column 2, lines 18-25 of the '944 patent discloses a smart card 10 that includes an interface 14, input device 16, processor 18, display 12 integrated into the smart card housing, and memory 20, which are all connected to a common bus 22.

However, it is respectfully submitted that the '944 patent fails to disclose an identifier-corresponding-software searcher configured to **determine if software corresponding to the identifier read by the identifier reader is stored in the storage unit;** and a writer configured to **write the software corresponding to the identifier to the storage device, when the software corresponding to the identifier is present.** Rather, the '944 patent discloses a card 10 that receives a request to either add or delete an application program. The '944 patent discloses that if it is determined that the request is an add request, an application program 30 is received by the card 10 and stored in the memory 20. Further, the '944 patent discloses that the card 10 receives a symbol 32 associated with the application program that was just received.⁶ The '944 patent does not disclose that the process of storing the application program 30 on the card 10 includes an identifier-corresponding-software searcher configured to **determine if software corresponding to the identifier read by the identifier reader is stored in the storage unit;** and a writer configured to **write the**

⁶ See '944 patent, column 3, lines 28-40.

software corresponding to the identifier to the storage device, when the software corresponding to the identifier is present.

Accordingly, Applicants respectfully traverse the rejection of Claim 4 (and all associated dependent claims) as being anticipated by the '944 patent.

Amended Claim 12 is directed to a writing method comprising: (1) writing a second identifier in a data area, the second identifier being obtained by at least one operation in which a first identifier being unchangeable and written in an identifier area is encrypted, a first electronic watermark is embedded in the first identifier, and the first electronic watermark in the first identifier is embedded and is encrypted; (2) writing content data to the data area, the content data having at least one characteristic in which the content data is encrypted, the content data is a second electronic watermark embedded therein, and the content data is the second electronic watermark embedded therein and is encrypted; and (3) writing a replay program to the data area, the replay program being configured to make a computer execute instructions comprising (a) instructions configured to read the first identifier from the identifier area; (b) instructions configured to read the second identifier from the data area; (c) instructions configured to conduct an operation selected from the group consisting of decrypting the second identifier, confirming if the second identifier is the first electronic watermark embedded therein, and decrypting the second identifier and confirming if the second identifier is the first electronic watermark embedded therein; (d) instructions configured to compare the first identifier and the second identifier with each other when a case selected from the group consisting of the second identifier being decrypted, the second identifier being confirmed as being the first electronic watermark embedded therein, and the second identifier being decrypted and being confirmed as being the first electronic watermark embedded therein is satisfied; (e) instructions configured to read the content data from the data area; (f) instructions configured to conduct an operation selected

from decrypting the content data, confirming if the content data is the second electronic watermark embedded therein, and decrypting the content data and confirming if the content data is the second watermark embedded therein, when at least a predetermined part of the first and second identifiers are identical to each other; and (g) instructions configured to replay the content data when a case selected from the group consisting of the content data being decrypted, the content data being confirmed as being the second electronic watermark embedded therein, and the content data being decrypted and being confirmed as being the second electronic watermark embedded therein is satisfied. The changes to Claim 12 are supported by the originally filed specification and do not add new matter.

Regarding the rejection of Claim 12 under 35 U.S.C. § 102(e), the '706 patent is directed to a license-based cryptographic technique, particularly suited for use in a digital rights management system, for controlling access and use of BORE ("break once run everywhere") resistant software objects in a client computer. In particular, the '706 patent discloses that a BORE resistant object can be created by embedding a relatively large number of watermarks throughout a single software object (O), through use of n different secret watermark keys. The '706 patent discloses that a publisher of a given object not only sets the value of the watermark itself but also provides that value to a third-party watermarking authority (WA), along with an unwatermarked copy of the object (O). The '706 patent further discloses that once the WA has determined that the particular copy is watermark-free and has also received an appropriate certification from the publisher that the copy is not watermarked, the WA then embeds the watermark n times, each beginning at a starting location determined by a corresponding different one of the n keys, throughout the object in order to yield the watermarked object (O^{WM}).⁷

⁷ See '706 patent, column 13, lines 20-46,

However, it is respectfully submitted that the '706 patent fails to disclose writing a second identifier in a data area, the second identifier being obtained by at least one operation in which a first identifier being unchangeable and written in an identifier area is encrypted, a first electronic watermark is embedded in the first identifier, and the first electronic watermark in the first identifier is embedded and is encrypted. Rather, as cited by the outstanding Office Action, the '706 patent at column 5, lines 21-40, discloses that a BORE resistant object is created by embedding a relatively large number, n, of identical watermarks throughout a single software object, through use of n different secret watermark keys. The '706 patent does not disclose a second identifier. Further, the '706 patent does not disclose that a first identifier is written in an identifier area and a second identifier is written in a data area. Additionally, the '706 patent does not disclose that the second identifier is obtained by at least one operation in which (1) the first identifier is encrypted; (2) a first electronic watermark is embedded in the first identifier, and (3) a first electronic watermark is embedded in the first identifier and is encrypted.

Further, it is respectfully submitted that the '706 patent fails to disclose the replay program recited in Claim 12. Rather, the '706 patent discloses that whenever a client computer attempts to access a file containing a protected object, an enforcer examines the object using its secret watermark key. The '706 patent discloses that if the object contains a watermark appearing at a location specified by the enforcer's watermark key, a client operating system accesses a license database to determine whether a signed license made to the enforcer and linked, via the publisher's cryptographic signature, to this protected object resides in that database.⁸ The '706 patent does not disclose writing a replay program to the data area, the replay program being configured to make a computer execute instructions comprising instructions configured to conduct an operation selected from decrypting the

⁸ See '706 patent, column 5, lines 37-45.

content data, confirming if the content data is the second electronic watermark embedded therein, and decrypting the content data and confirming if the content data is the second watermark embedded therein, when at least a predetermined part of the first and second identifiers are identical to each other; and instructions configured to replay the content data when a case selected from the group consisting of the content data being decrypted, the content data being confirmed as being the second electronic watermark embedded therein, and the content data being decrypted and being confirmed as being the second electronic watermark embedded therein is satisfied.

Accordingly, it is respectfully submitted that Claim 12 patentably defines over the '706 patent.

Claim 10, recites in part, instructions configured to read a first identifier from an identifier area of a storage medium, the first identifier being unchangeable; instructions configured to read a second identifier from a data area of the storage medium; instructions configured to conduct an operation selected from decrypting the content data, confirming if the content data is a second electronic watermark embedded therein, and decrypting the content data and confirming if the content data is the second watermark embedded therein when at least a predetermined part of the first and second identifiers are identical to each other; and instructions configured to replay the content data when a case selected from the group consisting of the content data being confirmed as being the second electronic watermark embedded therein, the content data being decrypted, and the content data being decrypted and being confirmed as being the second electronic watermark embedded therein is satisfied.

As noted above, the '706 patent fails to disclose the first identifier, the second identifier, and the replay program recited in Claim 12. Thus, the '706 patent fails to disclose

the computer readable storage medium of Claim 10. Accordingly, it is respectfully submitted that Claim 10 patentably defines over the '706 patent.

Claim 11, recites in part, an identifier area configured to store a first identifier, the first identifier being unchangeable; and a data area configured to store a second identifier having at least one characteristic in which the second identifier is encrypted, the second identifier is a first electronic watermark embedded therein, and the second identifier is the first electronic watermark embedded therein and is encrypted; a replay program configured to make a computer execute instructions comprising instructions configured to conduct an operation selected from decrypting the content data, confirming if the content data is the second electronic watermark embedded therein, and decrypting the content data and confirming if the content data is the second watermark embedded therein when at least a predetermined part of the first and second identifiers are identical to each other; and instructions configured to replay the content data when a case selected from the group consisting of the content data being decrypted, the content data being confirmed as being the second electronic watermark embedded therein, and the content data being decrypted and being confirmed as being the second electronic watermark embedded therein is satisfied.

As noted above, the '706 patent fails to disclose the first identifier, the second identifier, and the replay program recited in Claim 12. Thus, the '706 patent fails to disclose the computer readable storage medium of Claim 11. Accordingly, it is respectfully submitted that Claim 11 patentably defines over the '706 patent.

Claim 13, recites in part, an identifier reader configured to read a first identifier from an identifier area of the storage device inserted in the slot, the first identifier being unchangeable; an identifier processor configured to obtain a second identifier by conducting at least one operation in which a first electronic watermark in the first identifier is embedded, the first identifier is encrypted, and the first identifier being the first electronic watermark

embedded therein is encrypted; a storage unit storing a replay program configured to make a computer execute instructions comprising instructions configured to conduct an operation selected from decrypting the content data, confirming if the content data is the second electronic watermark embedded therein, and decrypting the content data and confirming if the content data is the second watermark embedded therein when at least a predetermined part of the first and second identifiers are identical to each other; and instructions configured to replay the content data when a case selected from the group consisting of the content data being decrypted, the content data being confirmed as being the second electronic watermark embedded therein, and the content data being decrypted and being confirmed as being the second electronic watermark embedded therein is satisfied.

As noted above, the '706 patent fails to disclose the first identifier, the second identifier, and the replay program recited in Claim 12. Thus, the '706 patent fails to disclose the writing apparatus of Claim 13. Accordingly, it is respectfully submitted that Claim 13 patentably defines over the '706 patent.

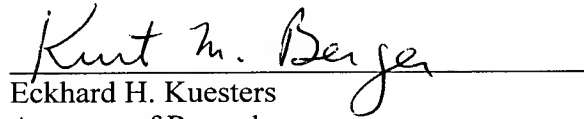
Regarding the rejection of dependent Claims 14 and 15 under 35 U.S.C. § 103(a), it is respectfully submitted that the '944 patent fails to remedy the deficiencies of the '706 patent, as discussed above. Accordingly, it is respectfully submitted that dependent Claims 14 and 15 patentably define over any proper combination of the '944 and '706 patents.

Thus, it is respectfully submitted that independent Claims 1 and 10-13 patentably define over any proper combination of the '944 and '706 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kurt M. Berger", is written over a horizontal line.

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